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MS APPEAL BRIEF - PATENTS  
PATENT  
0905-0206P

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of Yoshiko SHIMOTI et al.  
Before the Board of Appeals  
Appeal No.:  
Appl. No.: 09/107,486 Group: 2624  
Filed: June 30, 1998 Examiner: K. POON  
Conf.: 8134  
For: IMAGE COMMUNICATION SYSTEM AND METHOD

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JUL 29 2003

Technology Center 2600

APPEAL BRIEF TRANSMITTAL FORM

**MS APPEAL BRIEF - PATENTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

July 24, 2003

Sir:

Transmitted herewith is an Appeal Brief (in triplicate) on behalf of the Appellants in connection with the above-identified application.

☐ The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

A Notice of Appeal was filed on May 29, 2003.

☐ Applicant claims small entity status in accordance with 37 C.F.R. § 1.27

The fee has been calculated as shown below:

☐ Extension of time fee pursuant to 37 C.F.R. §§ 1.17 and 1.136(a) -

☒ Fee for filing an Appeal Brief - \$320.00 (large entity).

☒ Check(s) in the amount of \$320.00 is(are) attached.

☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

Appl. No. 09/107,486

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

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**0905-0206P**

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Attachment(s)

(Rev. 04/29/03)



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**BRIEF ON APPEAL ON BEHALF OF APPELLANT  
FILED UNDER PROVISIONS OF 37 C.F.R. § 1.192**



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**BRIEF ON APPEAL ON BEHALF OF APPELLANT  
FILED UNDER PROVISIONS OF 37 C.F.R. § 1.192**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

July 24, 2003

Dear Sir:

This is an Appeal from the Final Rejection of January 29, 2003, of claims 1-10, 12-20, 22-36, 38-43 and 45-50 in the above-identified application.

**I. REAL PARTY IN INTEREST**

Appellant respectfully submits that the real party in interest in the present Appeal is Fuji Photo Film Co., Ltd.

**II. RELATED APPEALS OR INTERFERENCES**

Appellants respectfully submit that no other Appeals or Interferences are known to

Appellants, Appellants' legal representative, or the Assignee of the present application, which would directly affect or be directly affected by or having a bearing on the Board's decision in the pending Appeal.

### **III. STATUS OF CLAIMS**

All of pending claims 1-10, 12-20, 22-36, 38-43 and 45-50 stand rejected.

### **IV. STATUS OF AMENDMENTS AFTER FINAL**

No Amendment after Final has been submitted, therefore no Amendment after Final has been granted or refused entry.

### **V. SUMMARY OF INVENTION**

The present invention relates to an image communication system comprising an image server and a client computer that are capable of communicating with each other. An aspect of the invention is to make it possible to reduce the data quantity of image data transmitted from an image server to a client computer and to shorten the time required to transmit the image data.

Another aspect of the present invention is to make it possible to rapidly display an image desired by a user on a display device of an image data receiver even if the image data receiver has a CPU with a low processing speed.

Still another aspect of the present invention is to make it possible to confirm the quality of a composite image obtained in an image server. Also, the present invention makes it possible to reedit, in a system in which an image server and a plurality of client computers are capable of

communicating with one another, an edited image generated in the client computer.

For example, in an image communication system having an image server and a client computer having a display device, the image server and the client computer can communicate with other. The image server stores image data representing an image. The client computer comprises command transmission means for transmitting to the image server a command to transmit the image data stored therein. The client computer also includes display transmission means for transmitting to the image server display information relating to the display device. The image server includes data quantity reduction means for reducing the data quantity of the image data to be transmitted in response to the image transmission command based on the display information from the client computer. An image data transmission means in the server transmits to the client computer the image data whose data quantity has been reduced by the data quantity reduction means. (see specification, page 5, line 22 to page 6, line 15).

A user of the client computer knows the contents of the image data stored in the image server by seeing a thumbnail image that is transmitted to the client computer, for example. (see specification, page 7, lines 8-12).

The image transmission command and the display information are transmitted from the client computer to the image server. When the image transmission command and the display information are received in the image server, the reduction processing of the quantity of the image data is performed based on the display information. Since the data quantity is reduced based on the display information, the time required to transmit the image data can be shorten. (see specification page 7, lines 13-24).

An example of display information includes information relating to the maximum number



of colors that can be displayed on the display device connected to the client computer. The maximum number of colors that can be displayed on the display device has various values depending on the type of display device used, i.e., 256 colors, 32000 colors, and full-color. The number of colors of the image, represented by the image data to be transmitted to the client computer, is reduced based on the information relating to the maximum number of colors.

Examples of the display information also include information relating to the resolution of the display device connected to the client computer. The resolution of the display device has various values depending on the type of display device used. The image data to be transmitted to the client computer is thinned out based on the information relating to the resolution, thereby reducing the data quantity of the image data.

When the image server has a printer for printing an image, it is preferable to perform color conversion processing on the image data whose data quantity is reduced such that a color of the image printed coincides with a color seen on the display device of the client computer.

According to still another aspect of the present invention includes: (1) image data reading means (device) for reading image data representing an image; (2) display direction means (device) for inputting display direction data indicating whether a normal direction (i.e., orientation) of the image is a longitudinal direction or a transverse direction; (3) a display direction conversion means (device) for performing display direction conversion processing on the image data read based on the display direction data, such that the direction of the display of the image data is a normal direction; (4) image data storage means (device) for storing the image data that has been subjected to conversion processing; and (5) image data transmission means (device) for reading out from the storage means the image data which is the subject of the image transmission command from the

client computer. (see specification page 11, line 17 to page 12, line 15).

In a still another aspect of the invention, an image server and an image data receiver having a display device are capable of communicating with each other. The image server includes an image display data transmission device (means) for transmitting to the image data receiver image display data for displaying a plurality of sample images having different characteristics. The image data receiver includes an image characteristics setting device (means) for receiving the image display data transmitted from the image display data transmission device. A plurality of sample images are displayed on the display device based on the received image display data. The characteristics relating to the image selected from the displayed sample images is determined and an image characteristics data transmission device (means) transmits data representing the image characteristics to the image server. (see specification page 12, lines 1-16).

In still another aspect of the invention, the image server and the image data receiver have a display device. The image server transmits image display data for displaying a plurality of sample images having different characteristics to the image data receiver. The image data receiver receives the image display data and displays the plurality of sample images on the display device based on the received image display data. The image data receiver determines the characteristics relating to a image selected from the displayed sample images and transmits data representing the determined image characteristics to the image server. An example of sample images having different characteristics is images having different tonalities. (see specification page 13, lines 1-7). In the image server, the data representing the characteristics of the selected sample image is received so that the image data can be adjusted so as to be image data corresponding to the selected sample image. The adjusted image data can be transmitted to the image data receiver. In other

words, the image server transmits to the image data receiver image data whose characteristics has not been adjusted in the situation where the image data receiver can change or adjust the characteristics of the image displayed itself. On the other hand, the image server transmits to the image data receiver image data whose characteristics has been adjusted in accordance with the image characteristics data transmitted from the image data receiver in the situation where the image data receiver cannot itself adjust or change the characteristics of the image displayed.

In still another aspect of the present invention, a client computer is used in an image communication system with an image server having an image output device for outputting an image. A data quantity reduction device (means) for reducing the data quantity of image data to be transmitted to the image server such that the data quantity of the image to be transmitted is equal to or less than the data quantity of the image data representing the image to be outputted from the image output device. An image data transmission device (means) transmits to the image server the image data whose data quantity is reduced by the image data quantity reduction device.

Furthermore, a recording medium having a computer program recorded thereon is capable of implementing the present invention. When the image data is transmitted from the client computer to the image server, processing is performed such that the data quantity of the image data to be transmitted is reduced. Since the data quantity of the image data transmitted to the image server is reduced, the time required for transmission is shorten. (see specification pages 15-16).

For example, the resolution of the image data transmitted from the client computer is converted into a resolution which is not more than the resolution of an image that can be outputted from the output device, thereby reducing the data quantity of the image data. Furthermore, the image data transmitted from the client computer is thinned such that the size thereof is equal to the

size of the output image to be outputted from the output device, thereby reducing the quantity of the image data.

The image data may be transmitted from the client computer to the image server after being converted into image data having a format with a high transmission efficiency based on the form of communication between the image server and the client computer. Since the image data is transmitted from the client computer to the image server after being converted into image data having a high transmission efficiency, the quantity of image data is reduced so that the time required to transmit the image data can be shortened.

Furthermore, a compression rate is determined based on the speed of transmission of the image data between the image server and the client computer. Image data compression at the determined compression rate can be also transmitted from the client computer to the image server. Since the image data is compressed based on the speed of transmission, the quantity of the image data to be transmitted is reduced, so that the time required to transmit the image data is shortened.

The compression rate may be determined based on a compression command. In still another aspect of the present invention, a client computer used in an image communication system including an image server has a compression rate setting means (device) for setting the compression rate of image data. Calculation means (device) calculates information relating to the time required for transmission in the situation where the image data compressed at the compression rate set is transmitted to the image server. A display device displays the information relating to the time required for transmission calculated.

The present invention is aimed at shortening the time required to transmit image data from an image server to a client computer. Also, an aspect of the invention is to shorten the time

required to transmit image data from a client computer to a main image server. In a system with various client computers and an editing server, an edited image can be generated by the plurality of client computers. When image data is transmitted from the image server to the client computer, the resolution of the image data to be transmitted is reduced corresponding to the resolution of a monitor display device connected to the client computer. Further the number of colors of an image represented by the image data is decreased in correspondence with the number of colors that can be displayed on the monitor display device. The data quantity of the image data to be transmitted is reduced so that the time required to transmit the image data is shortened. A client computer and a main server are connected to each other. A user's image to be synthesized on a template image is read in the client computer. Image data representing the template image used for the image synthesis and the image data representing a mask image are transmitted from the main server to the client computer. In the client computer, image synthesis processing is performed. Image data representing an area required for image synthesis of the user's image used for the image synthesis is extracted. The extracted user's image data and synthesis information required for the synthesis are transmitted from the client computer to the main image server. In the main image server, a composite image is printed.

Also, various client computers and an editing server are connected to one another via a internet. A group is constituted by the plurality of client computers. In the group, one of the client computers generates an edited image, and the other client computers reedit the generated edited image. The process of the editing can also be confirmed on the display of a client computer which did not do the editing.

## **VI. ISSUES**

The issues presented for review are:

**A.** Whether claim 25 is unpatentable under 35 U.S.C. §103(a) over U. S. Patent No. 5,687,332 to Kurahashi et al. (hereafter Kurahashi) in view of U.S. Patent No. 6,370,280 to Cok et al. (hereafter Cok) and U.S. Patent No. 5,933,584 to Maniwa (hereafter Maniwa);

**B.** Whether claims 29 and 33 are unpatentable under 35 U.S.C. §103(a) over Kurahashi in view of Cok and U.S. Patent No. 5,764,235 to Hunt et al.(hereafter Hunt);

**C.** Whether claims 26, 30, 34-36, 38-43, 45-48 and 50 are unpatentable under 35 U.S.C. §103(a) over Kurahashi in view of Cok;

**D.** Whether claims 5-7 and 13-18 are unpatentable under 35 U.S.C. §103(a) over Hunt in view of Cok and Maniwa;

**E.** Whether claims 19, 20, 22-24, 27, 28, 31 and 32 are unpatentable under 35 U.S.C. §103(a) over Hunt in view of Cok;

**F.** Whether claims 10 and 12 are unpatentable under 35 U.S.C. §103(a) over U.S. Patent No. 5,720,013 to Uda et al. in view of Maniwa and Cok;

**G.** Whether claim 8 is unpatentable under 35 U.S.C. §103(a) over Hunt in view of Maniwa, Cok and Uda;

**H.** Whether claim 49 is unpatentable under 35 U.S.C. §103(a) over Uda in view of Maniwa, Cok and U.S. Patent No. 5,926,154 to Hirono; and

**I.** Whether claims 1-10, 12-18, 29 and 33 are rejected under §112, 1<sup>st</sup> paragraph.

## **VII. GROUPING OF CLAIMS**

- (1) Claims 1-4 and 9 are grouped together and stand or fall together.
- (2) Claims 25 is grouped alone, separately argued and stands or falls alone.
- (3) Claims 29 and 33 are grouped together and stand or fall together.
- (4) Claims 26, 30, 34-36, 38-43, 45-48 and 50 are grouped together and stand or fall together.
- (5) Claims 5-7 and 13-18 are grouped together and stand or fall together.
- (6) Claims 19, 20, 22-24, 27, 28, 31 and 32 are grouped together and stand or fall together.
- (7) Claims 10 and 12 are grouped together and stand or fall together.
- (8) Claim 8 is grouped alone, separately argued and stands or falls alone.
- (9) Claim 49 is grouped alone, separately argued and stands or falls alone.

## **VIII. ARGUMENTS**

### **Issue A.**

Regarding Issue A, with respect to independent claim 25, the Examiner alleges that Kurahashi in view of Cok and Maniwa teaches the claimed invention as set forth in claim 25. Specifically, the Examiner asserts that Kurahashi discloses an image communication system in which an image server (23, Fig. 2) and a client computer (22, Fig. 2) are communicating with each other and allegedly exhibiting the features of the claimed invention. However, the Examiner concedes that Kurahashi fails to teach that the image data processed is film image data. In an attempt to show the aforementioned feature, the Examiner imports Cok and alleges that Cok teaches to create film image data to be stored in a server. The Examiner's motivation for combining Kurahashi with Cok is that it would have allowed the image to be created in a manner that is very

flexible and is usable over a wide distribution to diverse producers and the film image would have allowed users to create realistic images with low cost.

However, appellants respectfully submit that the Examiner is misinterpreting the motive of Cok's method and is improperly associated it with Kurahashi's method. For example, Cok states that its object is to provide a method for controlling the use of artistic and personal images in composite imagery in a manner that is very flexible, is useful over a wide distribution to diverse producers, inhibits fraud, and can be adapt to a variety of circumstances without compromising the secure use of the imagery. (see Cok, col. 2, lines 23-28). In other words, Cok is addressing the problem of security needs for composite image creations and concerned with controlling the distribution of such composite imagery. Therefore, when Cok speaks about a wide distribution to diverse producers, Cok is addressing security needs not the flow (speed) of image data.

The Examiner further indicates that Kurahashi as modified by Cok still does not teach the claimed image output device that outputs the film image after subjecting the film image to display direction conversion, as set forth in claim 25. In an attempt to show this feature, the Examiner imports the additional reference of Maniwa and alleges that Maniwa teaches outputting images after subjecting the image to display direction conversion. The Examiner than states that it would have been obvious to combine Maniwa with Kurahashi/Cok because it would have allowed the image to be displayed in a correct direction as taught by Maniwa.

Appellants respectfully disagree with the Examiner's assertion and respectfully submit that the combination of Kurahashi, Cok and Maniwa not only fails to teach or suggest each and every feature as set forth in the claimed invention, but there fails to be proper motivation for combining the three references.



In particular, the Office Action concedes that Kurahashi fails to teach or suggest that the image data is film image data and also fails to teach or suggest outputting the film image data after subjecting the film image data to display direction conversion. In an attempt to make up for the deficiencies found in Kurahashi, the Office Action has imported Cok and Maniwa.

As for Cok, the Office Action alleges that Cok teaches creating film image data to be stored in a server. However, the Office Action has failed to show where or how Cok discloses that the *information relating to the film image data* is transmitted to the image server, wherein this information that relates to the film image data is used to subject the film image data to display direction conversion. Cok merely transmits a personal image 18 and image control data 28 to the image production system 14. The image control data 28 that is transmitted by Cok merely represents a personal image code identifying the image as a personal image. (see Cok, col. 4, lines 17-20). The control data 28 taught by Cok does not represent data that can be used to subject the film image data to display direction conversion.

Furthermore, appellants respectfully submit that there fails to be any motivation for combining Cok's film image data with Kurahashi's system. For example, Kurahashi is concerned with image edit processing and reducing the amount of transfer data flowing in the network. In contrast to Kurahashi, Cok is merely concerned with controlling the production of composite images and addressing the different security needs of both the individual image components and the final composite image. The Examiner asserts that there is motivation to combine Cok with Kurahashi because it would allow the image to be created in a manner that is flexible and is usable over a wide distribution to diverse producers and the film image would have allowed users to create realistic images with low cost.

However, appellants respectfully point out that the Examiner is merely reciting Cok's objectives for its own security based invention, which is not a concern for Kurahashi. Appellants submit that from a close review of both Kurahashi and Cok, we find no teaching or suggestion to support the examiner's asserted motivation to combine the references so as to achieve the things recited above. The examiner's statement that it would allow the image to be created in a flexible manner usable over a wide distribution to diverse producers and that it would allow users to create realistic images at low cost is unsupported because the examiner has not established that the above-noted issues are a factor even recognized by Kurahashi. Kurahashi is not at all concerned with diverse producers or realistic images. Furthermore, the nature of the problems to be solved in Cok and Kurahashi are completely different.

Appellants respectfully submit that only through impermissible hindsight reconstruction using appellants' invention would one find motivation to modify the Kurahashi device to have all of the claimed features, including the film image data of Cok.

Appellants submit that the Office Action has improperly used appellants' invention as a road map to pick and choose features from different sources and paste the chosen features together to arrive at the claimed invention, even though Kurahashi and Cok does not provide any teachings, suggestion or motivation to make the modifications.

As for Maniwa, the Office Action asserts that Maniwa teaches outputting images after subjecting the image to display direction conversion. However, appellants respectfully submit that a close reading of Maniwa merely reveals that a facsimile server software has a filter function to rotate read image data before sending the image data to a print server software, and a function to automatically rotate an image when the paper feed direction in the printer is different

from that of reading by the scanner, so that it is possible to easily realize a copying function. (see Maniwa, col. 29, lines 50-61). In other words, Maniwa discloses at most a rotational component for a print/copying function, not for a display function. No *display* direction conversion, as set forth in claim 25, is disclosed by Maniwa. Maniwa is only concerned with being able to print/copy an image according to the direction of the paper feed. Maniwa is completely silent about performing display direction conversion processing so as to *display* the image data properly. As such, appellants respectfully submit that the Office Action is inappropriately equating Maniwa's facsimile server functions directed to printing/copying with the claimed *display* direction conversion processing.

For example, an aspect of the claimed invention includes having an image on a film read into the input/output workstation 15. The film image data is saved as printing image data under the control of the image server 10. The longitudinal/transverse information relating to the image data is stored. The film image data is subjected to color space conversion processing and is stored as printing image data. Editing image data having a lower resolution and thumbnail image data having a still lower resolution are generated from the printing image data. The editing image data and the thumbnail image data are then subjected to display direction conversion processing so that they can be displayed in a correct direction, and are stored in correspondence with the printing image data. (see Appellants' specification, page 37 to page 38).

In contrast to the present invention as set forth in claim 25, the combination of Kurahashi, Cok and Maniwa fails to teach or suggest subjecting film image data to display direction conversion processing prior to transmitting it to the client computer, as recited in claim 25. Kurahashi merely discloses sending editing data information, such as resolution and color

information, for display. (see Kurahashi, column 8, lines 1-3). There is no mention about any type of display direction information in Kurahashi. Also, Cok is completely silent about display direction conversion processing. Furthermore, Maniwa only discloses rotating the image data to match the paper feed direction and fails to disclose any type of display conversions.

Further, appellants submit that not only does the combination of references fail to teach or suggest each and every feature but that the Examiner has failed to provide proper motivation for combining the three references, Kurahashi, Cok and Maniwa. Appellants point out that an essential evidentiary component of an obviousness rejection is a teaching or suggestion or motivation to combine the prior art references. C.R. Bard, Inc. v. M3 Systems, Inc., 48 USPQ2d 1225 (Fed. Cir. 1998). Combining prior art references without evidence of a suggestion, teaching or motivation simply takes the inventors' disclosure as a blueprint for piecing together the prior art to defeat patentability -- the essence of hindsight. Interconnect Planning Corp. v. Feil, 227 USPQ 543 (Fed. Cir. 1985). Evidence of a suggestion, teaching or motivation to combine may flow from the prior art references themselves, the knowledge of one of ordinary skill in the art, or in some cases, from the nature of the problem solved. In re Dembiczak, 50 USPQ2d 1614 (Fed. Cir. 1999). However, a rejection can not be predicated on the mere identification of individual components of the claimed limitations. In re Kotzab, 55 USPQ2d 1313 (Fed. Cir. 2000). Rather, particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention would have selected these components for combination in the manner claimed. Id.

Appellants submit that even if all of the features were shown in the combination of Kurahashi, Cok and Maniwa, and appellants maintain that they are not, appellants respectfully

submit that the Examiner has failed to show why a skilled artisan, with no knowledge of the claimed invention, would have selected the film image data from Cok and the outputting feature of Maniwa to arrive at the claimed invention. Appellants submit that the Examiner has used nothing more than hindsight in order to combine Cok and Maniwa with Kurahashi, and has identified nothing in either reference that could be construed as a suggestion, teaching or motivation to combine all three of the cited references.

Thus, appellants respectfully submit that the Examiner's combination of references not only fails to teach or suggest each and every feature as claimed in claim 25, but the combination of references is improper and should be withdrawn for at least the reasons noted above.

Appellants respectfully submit that independent claim 25 is allowable over the combination of Kurahashi, Cok and Maniwa for at least the reasons noted above.

#### **Issue B.**

Regarding Issue B, with respect to independent claims 29 and 33, the Examiner alleges that claims 29 and 33 are unpatentable over Kurahashi in view of Cok and Hunt. Specifically, the Examiner asserts that Kurahashi discloses an image communication system in which an image server 23 and a client computer 22 are communicating with each other. As noted above, the Examiner states that Kurahashi fails to teach film image data, therefore the Examiner imports Cok to allegedly show the film image data. The Examiner uses the same motivation for combining Kurahashi and Cok as noted above. Thus, appellants' arguments relating to the improper combination of Cok and Kurahashi raised above are equally applicable here.

The Examiner further notes that his alleged combination of Kurahashi as modified by Cok

still fails to teach the information relating to the film image data corresponding to the type and resolution of a display in the client computer and the number of colors of the display device. In an attempt to show this feature, the Examiner imports Hunt and alleges that Hunt discloses transmitting information relating to the film image data corresponding to the type of display (a first display with a certain resolution is a type of display and a display with a different resolution is another type of display), the resolution of a display in the client computer, and the number of colors of the display device. The Examiner states that the motivation for combining Hunt with Kurahashi and Cok is that it would avoid the transmission of excess data and would have allowed significantly better and more intelligent use of the bandwidth of the network system.

Appellants respectfully submit that Hunt only discloses transmitting a display format which is defined merely as a display resolution. (see Hunt, col. 12, line 57). Hunt further goes on to teach that when the user intends to use the graphical image file for display on a display device, the format includes a display format suitable for the display device associated with the client machine, such as RGB, raster, vector and the like. (see Hunt, col. 12, lines 20-24). In other words, Hunt merely discloses that the transmitted display format pertains to the resolution of the display and that the display devices associated with the client machines can be RGB, raster, vector and the like. There is absolutely no teaching in Hunt relating to transmitting information corresponding to the number of colors of the display device, as set forth in the claimed invention. Hunt's reference to "RGB" merely indicates that a color monitor/display may be used. However, appellants point out that simply referencing "RGB" in no way teaches the number of colors of the display device as asserted by the Examiner. Instead, RGB merely stands for red, green, and blue color axes to form an RGB color tube. The number of colors used in a display can vary from 256

to 65K, for example, and Hunt is completely silent about transmitting film image data corresponding to the number of colors of the display device, as set forth in claims 29 and 33.

For at least the above noted reasons, appellants respectfully submit that there fail to be proper motivation for combining the references and even if combined, the combination of Kurahashi, Cok and Hunt fails to teach or suggest each and every feature as set forth in the claimed invention.

Appellants respectfully submit that independent claims 29 and 33 are allowable over the combination of Kurahashi, Cok and Hunt for at least the reasons noted above.

#### **Issue C.**

Regarding Issue C, with respect to independent claims 26, 30, 34, 35, 41, 42 and 48 the Examiner alleges that the combination of Kurahashi and Cok teaches the claimed invention as set forth in the claims listed.

Appellants respectfully submit that not only does there fail to be proper motivation for combining Kurahashi with Cok as addressed above, but even if combined, the combination of Kurahashi and Cok fails to teach or suggest each and every feature as set forth in the claimed invention.

As noted above, Kurahashi is concerned with image edit processing and reducing the amount of transfer data flowing in the network. In contrast to Kurahashi, Cok is merely concerned with controlling the production of composite images and addressing the different security needs of both the individual image components and the final composite image. As noted above, the Examiner asserts that there is motivation to combine Cok with Kurahashi because it

would allow the image to be created in a manner that is flexible and is usable over a wide distribution to diverse producers and the film image would have allowed users to create realistic images with low cost.

However, appellants respectfully submit that the Examiner is merely reciting Cok's objectives for its own invention. Appellants submit that from a close review of both Kurahashi and Cok, we find no teaching or suggestion to support the examiner's asserted motivation to combine the references so as to achieve the things recited above. The examiner's statement that it would allow the image to be created in a flexible manner usable over a wide distribution to diverse producers and that it would allow users to create realistic images at low cost is unsupported because the examiner has not established that the above-noted issues were a factor even recognized by Kurahashi. Kurahashi is not at all concerned with diverse producers or realistic images. Furthermore, the nature of the problems to be solved in Cok and Kurahashi are completely different.

Appellants respectfully submit that only through impermissible hindsight reconstruction using appellants' invention would one find motivation to modify the Kurahashi device to have all of the claimed features, including a film image data.

Appellants submit that the Office Action has improperly used appellants' invention as a road map to pick and choose features from different sources and paste the chosen features together to arrive at the claimed invention, even though Kurahashi and Cok does not provide any teachings, suggestion or motivation to make the modification.

The Office Action concedes that Kurahashi does not teach that the image data is film image data. The Office Action is attempting to use Cok to import this feature. However,



appellants respectfully submit that Cok merely discloses uploading film image data to an image fulfillment server 56 and the image fulfillment server 56 produces a hardcopy of the composite image. However, no printing template film image data is transmitted from the sever 56 to the client computer, as set forth in claims 26 and 30. Cok only discloses that billing and credit information is transmitted from the fulfillment server 56. (see Cok, col. 6, lines 2-4).

Furthermore, nothing in Kurahashi whatsoever is directed to re-editing of the initially edited image. Secondly, even assuming *arguendo* that Kurahashi does analyze editing data (col. 7, line 3), Kurahashi still does not judge whether initial editing or subsequent re-editing is allowed based on a transmitted execution command, as claimed. In col. 6 of Kurahashi (lines 45-56), all that is described are the elements and their functions as shown in Fig. 3. None of these elements teach a subsequent re-editing in any respect, especially re-editing based on a transmitted execution command.

Appellants respectfully submit that all of claims 26, 30, 34-36, 38-43, 45-48 and 50 are allowable over the combination of Kurahashi and Cok for at least the reasons noted above.

#### **Issue D.**

Regarding Issue D, with respect to independent claims 5, 13, 17 and 18, the Examiner alleges that the combination of Hunt, Cok and Maniwa teaches the claimed invention as set forth in the listed claims.

Appellants respectfully submit that the combination of Hunt, Cok and Maniwa fails to make up for the deficiencies found in each individual reference, because the combination of Hunt, Cok and Maniwa fails to teach or suggest each and every feature as set forth in the claimed

invention. The arguments applied above are also applicable to the combination of Hunt, Cok and Maniwa.

For example, as noted above, Maniwa fails to teach or suggest display direction conversion processing, as set forth in the claimed invention; and Hunt fails to teach or suggest display information relating to the maximum number of colors which can be displayed on the display device. Because Hunt, Cok and Maniwa fail to make up for the deficiencies found in each individual reference, such a combination of references fail to teach or suggest each and every feature as set forth in the claimed invention.

Appellants respectfully submit that all of claims 5-7 and 13-18 are allowable over the combination of Hunt, Cok and Maniwa for at least the reasons noted above concerning lack of motivation and the absence of features taught.

#### **Issue E.**

Regarding Issue E, with respect to independent claims 19, 23, 27, 28, 31 and 32, the Examiner alleges that the combination of Hunt and Cok teaches the claimed invention as set forth in the listed claims.

Appellants respectfully submit that not only does the combination of Hunt and Cok fails to teach or suggest each and every feature as set forth in the claimed invention, but also that there fails to be motivation for combining Hunt and Cok.

For example, as conceded by the Office Action, Hunt fails to teach or suggest the image data is film image data. In an attempt to make up for the deficiencies in Hunt, the Office Action has imported Cok. However, Cok merely discloses that a film image can be scanned into an

order entry station 50 and the order entry station 50 is connected to an image server 56 that implements an image production system 14. As such, while Hunt is concerned with a technique for transmitting graphical images in a network while the amount of data transmitted is customized in accordance with client and/or server supplied information, Cok is merely concerned with controlling the production of composite images and addressing the different security needs involved. The transmission of Cok's film image to the image server is done without any regards to the amount of data transmitted. As such, the problems addressed by Hunt and Cok are completely different and applicants respectfully submit that one of ordinary skill in the art would not have been motivated to combine the film image data of Cok with Hunt's system. The Examiner's motivation for combining the two references is unsupported because the Examiner has not established that the realistic images and diverse producers are factors even recognized by Hunt. Factors considered by Hunt include the amount of data being transmitted. Cok is not at all concerned with the amount of data transmitted. As such, appellants respectfully submit that the Office Action has failed to provide a proper motivation for combining Cok with Hunt.

Furthermore, Hunt discloses a handshake procedure wherein the server receives a request for graphical image from the client and also receives image control information. The server determines the appropriate amount of graphical data to transmit based on the control information and transmits the appropriate amount based on the control information. However, Hunt fails to disclose the client reducing film image data and transmitting the reduced data to the server. Cok also fails to disclose any type of reduction of film image data prior to transmission.

Because Hunt and Cok fail to make up for the deficiencies found in each individual

reference, such a combination of references fail to teach or suggest each and every feature as set forth in the claimed invention.

Appellants respectfully submit that all of claims 19, 20, 22-24, 27, 28, 31 and 32 are allowable over the combination of Hunt, Cok and Maniwa for at least the reasons noted above.

**Issue F.**

Regarding Issue F, with respect to independent claims 10 and 12, the Examiner alleges that the combination of Uda, Maniwa and Cok teaches the claimed invention as set forth in the listed claims.

Appellants respectfully submit that the combination of Uda, Maniwa and Cok fails to make up for the deficiencies found in each individual reference, because the combination fails to teach or suggest each and every claimed feature.

Specifically, the arguments made above concerning the deficiencies found in Maniwa are equally applicable here. The Office Action concedes that Uda and Cok fails to teach or suggest outputting the film image after subjecting the film image to display direction conversion so that the film image is displayed on the display in a correct direction. The Office Action has imported Maniwa in an attempt to make up for the deficiencies found in both Uda and Cok, however, as noted above, Maniwa also fails to teach the display direction conversion, as set forth in the claimed invention.

**Issue G.**

Regarding Issue G, with respect to dependent claim 8, the Examiner alleges that the combination of Maniwa, Cok and Uda teaches the claimed invention as set forth in the listed claims. Appellants respectfully submit that the combination of Hunt, Uda, Maniwa and Cok fails to make up for the deficiencies found in each individual reference, because the combination fails to teach or suggest each and every claimed feature.

The arguments presented above pertaining to the deficiencies found in Hunt, Cok and Maniwa are also applicable to this rejection. Because Uda fails to make up for the above noted deficiencies noted in the combination of Hunt, Cok and Maniwa, claim 8 is allowable over the combination of Hunt, Uda, Maniwa and Cok.

**Issue H.**

Regarding Issue H, with respect to dependent claim 49, the Examiner alleges that the combination of Uda, Maniwa and Cok teaches the claimed invention as set forth in the listed claims.

Appellants respectfully submit that the combination of Uda, Maniwa, Cok and Hirono fails to make up for the deficiencies found in each individual reference, because the combination still fails to teach or suggest each and every claimed feature.

The arguments made above concerning the combination of Maniwa, Cok and Uda are also applicable to this rejection. Furthermore, Hirono fails to teach or suggest display direction conversion processing as set forth in claim 49. The Object of Hirono is to provide a double screen display device useful for users sitting face to face to each other. Hirono uses a view

direction control unit for controlling the view direction of each picture element, with one view being symmetrical to the other. In other words, Hirono teaches that the two users sitting face to face with the screen of the display device between them, they can see the image displayed on the screen as a normal image. However, Hirono fails to disclose that the server has a image data transmission device that transmits the display direction converted image data to the client computer, as set forth in claim 49. Hirono merely discloses that the server and the customer can see the image as a normal image, however, this is not the same as the server transmitting the display direction converted image data to the client computer, as set forth in claim 49. Because Hirono fails to teach the display direction converted image data and fails to make up for the deficiencies found in each of Maniwa, Cok and Uda, dependent claim 49 is allowable over such a combination of references.

#### **Issue I.**

Regarding Issue I, with respect to claims 1-10, 12-18, 29 and 33, the Examiner alleges that such claims are rejected under §112, 1<sup>st</sup> paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors has possession of the claimed invention.

Appellants respectfully disagree with this assertion and submit that the claims are indeed fully supported by the extensive disclosure.

The Examiner failed to address our comments pertaining to the 112, 1<sup>st</sup> paragraph rejection in the May 20, 2003 Advisory Action. As pointed out in previous responses, support for the features relating to the display conversion processing can at least be found on page 37 to

page 38 of the present specification. Furthermore, the numerous other features cited by the Examiner as not being supported by the specification are clearly improper because such features are disclosed throughout the present specification. See for example at least, pages 43-47, pages 50-51, pages 71-73, pages 80-83, pages 85-86, pages 95-96, pages 104-107, pages 112-115, and Figs. 1, 24 and 31.

Appellants respectfully point out to the Examiner that the claimed invention subject matter need not be described literally, i.e., using the same terms, in order for the disclosure to satisfy the description requirement. As long as the specification reasonably convey to those skilled in the art that the applicants was in possession of the claimed invention as of the date of the invention, then the written description requirement is satisfied, and appellants respectfully submit that the present disclosure does indeed reasonably conveys that the appellants were in possession of the claimed invention.

Accordingly, withdrawal of the rejection of claims 1-10, 12-18, 29 and 33 under 35 U.S.C. §112, 1<sup>st</sup> paragraph is respectfully solicited.

### **Conclusion**

For the reasons advanced above, it is respectfully submitted that all claims, 1-10, 12-20, 22-36, 38-43 and 45-50, in this application are allowable. Thus, favorable reconsideration and reversal of the Examiner's rejection of claims 1-10, 12-20, 22-36, 38-43 and 45-50 under 35 U.S.C. §§112, 102 and 103, by the Honorable Board of Patent Appeals and Interferences, is respectfully solicited.

The required Appeal Brief fee is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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0905-0206P  
Attachment: APPENDIX



**APPENDIX**

**CLAIMS ON APPEAL**

Claim 1 (previously presented): An image communication system in which an image server and a client computer having a display device are capable of communicating with each other, the image server storing film image data that has undergone display direction conversion processing, the film image data representing an image,

wherein said client computer comprises:

a first transmission device transmitting, to said image server, a command to transmit a thumbnail of the film image data that has undergone direction conversion processing and stored in said image server; and

a second transmission device transmitting, to said image server, display information relating to said display device, said first and second transmission devices transmitting the respective command and display information to reduce the amount of film image data that said image server is required to process, and

wherein said image server comprises:

a data quantity reduction device reducing the data quantity of the film image data to be transmitted to editing image data and further reducing to thumbnail image data, in response to the image transmission command transmitted from said first transmission device transmitting the thumbnail image data to the client computer, in response to the display information transmitted from said second transmission device transmitting the editing image data to the client computer, the thumbnail image data and the editing image data displayed in a correct direction on the display device due to the display direction conversion processing, and

an image data transmission device transmitting, to said client computer, the reduced film image data.

Claim 2 (previously presented): The image communication system according to claim 1, wherein the display information is information relating to the maximum number of colors which can be displayed on said display device, and

wherein said data quantity reduction device includes color reduction means for reducing a number of colors of an image represented by the editing image data to be transmitted on the basis of the information relating to the maximum number of colors.

Claim 3 (previously presented): The image communication system according to claim 1, wherein the display information is information relating to the resolution of said display device, and

wherein said data quantity reduction device includes thinning means for thinning out the editing image data on the basis of the information relating to the resolution, to be transmitted in response to the image transmission command, so as to reduce the data quantity of the film image data.

Claim 4 (previously presented): The image communication system according to claim 1, wherein said image server further includes:

a printer for printing an image, and

color conversion processing means for performing color conversion processing on

the reduced film image data on the basis of data representing characteristics of said display device.

Claim 5 (previously presented): An image server used in an image communication system in which the image server and a client computer having a display device are capable of communicating with each other, wherein the image server stores film image data that has undergone display direction conversion processing, the film image data representing an image, comprising:

a receiving device receiving a command from a first transmission device in said client computer to transmit a reduced film image data generated from the film image data and stored in said image server, and to display information relating to said display device that is transmitted from a second transmission device from said client computer, said first and second transmission devices transmitting the respective command and display information to reduce the amount of image data that said image server is required to process;

a data quantity reduction device reducing the data quantity of the film image data to be transmitted on the basis of received display information; and

an image data transmission device transmitting, to said client computer, the reduced film image data subjected to display direction conversion processing such that the film image data is displayed in correct direction on said display device.

Claim 6 (previously presented): The image server according to claim 5,

wherein the display information is information relating to the maximum number

of colors which can be displayed on said display device, and

wherein said data quantity reduction device includes color reduction means for reducing a number of colors of an image represented by the film image data to be transmitted on the basis of the information relating to the maximum number of colors.

Claim 7 (previously presented): The image server according to claim 5,

wherein the display information is information relating to the resolution of said display device, and

wherein said data quantity reduction device includes thinning means for thinning out the film image data to be transmitted on the basis of the information relating to the resolution.

Claim 8 (previously presented): The image server according to claim 5, further comprising:

a printer for printing an image, and

color conversion processing means for performing color conversion processing of the reduced film image data on the basis of data representing characteristics of said display device.

Claim 9 (previously presented): A client computer having a display device used in an image communication system in which an image server storing film image data representing an image and the client computer are capable of communicating with each other, comprising:

a first transmission device transmitting, to said image server, a command to transmit a thumbnail film image data generated from the film image data stored in said image server, the thumbnail image data having been subjected to display direction conversion processing;

a second transmission device transmitting, to said image server, display information relating to said display device, said first and second transmission devices transmitting the respective command and display information to reduce the amount of film image data that said image server is required to process; and

a receiving device receiving the film image data reduced on the basis of the display information in said image server.

Claim 10 (previously presented): An image server used in an image communication system in which the image server having a printer and a client computer having a display device are capable of communicating with each other, comprising:

an image data reading device for reading film image data representing an image;

a first color conversion device for performing first color conversion processing on the read film image data in accordance with a characteristic of the printer;

a printer controller for controlling the printer so as to print an image from the first color converted film image data;

a second color conversion device for performing second color conversion processing on the read film image data in accordance with a characteristic of the display device;  
and

an image data transmission device for transmitting the second color converted film image data to said client computer after subjecting the second color converted film image data to display direction conversion processing so that the film image is displayed on said display device in a correct direction.

Claim 11 (canceled).

Claim 12 (previously presented): A method of transmitting film image data in an image server used in an image communication system in which the image server having a printer and a client computer having a display device are capable of communicating with each other, comprising:

reading film image data representing an image;

performing a first color conversion processing on the read film image data in accordance with a characteristic of the printer;

controlling the printer so as to print an image from the first color converted film image data;

performing second color conversion processing on the read film image data in accordance with a characteristic of the display device; and

transmitting the second color converted film image data to said client computer after subjecting the second color converted film image data to display direction conversion processing so that the film image is displayed on said display device in a correct direction.

Claim 13 (previously presented): An image communication system in which an image server and an image data receiver having a display device are capable of communicating with each other,

wherein said image server comprises:

an image display data transmission device for transmitting image display data for displaying a plurality of sample film images in side by side fashion on the display device for comparison and selection by a user, each of said sample film images having different characteristics and being transmitted to said image data receiver after subjecting the sample film images to display direction conversion processing so that the sample film images are displayed in a correct direction, and

wherein said image data receiver comprises:

an image characteristics setting device for receiving the transmitted image display data, for displaying the plurality of sample film images on said display device on the basis of the received image display data, and for determining characteristics relating to the film image selected from the displayed sample images; and

an image characteristics data transmission device for transmitting data representing the determined image characteristics to said image server.

Claim 14 (previously presented): The image communication system according to claim 13, wherein said image display data transmission device transmits the image display data representing the plurality of film images having different tonalities to said image data receiver.

Claim 15 (previously presented): The image communication system according to claim 13,

wherein said image server further includes an image data transmission device for transmitting, if said image data receiver can change the characteristics of the image displayed on said display device, film image data whose characteristics have not been adjusted, while transmitting, if said image data receiver cannot change the characteristics of the image displayed on said display device, film image data whose characteristics has been adjusted in accordance with the image characteristics data transmitted from said image characteristics data transmission device to said image data receiver.

Claim 16 (original): The image communication system according to claim 13,

wherein at least one of said image server and said image data receiver is provided with a storage device storing said image characteristic data.

Claim 17 (previously presented): An image data receiver having a display device used in an image communication system in which an image server and the image data receiver are capable of communicating with each other, comprising:

an image characteristics setting device for receiving the image display data for displaying a plurality of sample film images in side by side fashion on the display device for comparison and selection by a user, each of said sample film images having different characteristics and being transmitted from said image server after having been subjected to display direction conversion processing so that the sample film images are displayed in a correct



direction, for displaying the plurality of sample film images on said display device on the basis of the received image display data, and for determining characteristics relating to the film image selected from the displayed sample film images; and

an image characteristics data transmission device transmitting data representing the determined image characteristics to said image server.

Claim 18 (previously presented): In an image communication system in which an image server and an image data receiver having a display device are capable of communicating with each other, an image communication method comprising:

transmitting image display data for displaying a plurality of sample film images in side by side fashion on the display device for comparison and selection by a user, each of said sample film images having different characteristics, said image display data being transmitted from said image server to said image data receiver;

receiving said transmitted image display in said image data receiver;

displaying the plurality of sample film images on said display device on the basis of the received image display data after subjecting the sample film images to display direction conversion processing so that the sample film images are displayed in a correct direction;

determining characteristics relating to the film image selected from the displayed sample film images; and

transmitting data representing the determined image characteristics from said image data receiver to said image server.

Claim 19 (previously presented): A client computer used in an image communication system in which an image server having an image output device for outputting a film image and the client computer are capable of communicating with each other, comprising:

an image data quantity reduction device for reducing the data quantity of film image data to be transmitted to said image server, so that the data quantity of the film image data to be transmitted is equal to or less than the data quantity of the film image data representing the film image to be outputted from said image output device; and

an image data transmission device for transmitting the reduced film image data to said image server,

wherein said image data quantity reduction device further includes:

print image area designation means for designating an image area to be printed of an image represented by film image data of one frame; and

partial image data extraction means for extracting partial image area data representing the designated image area from said film image data of one frame.

Claim 20 (previously presented): The client computer according to claim 19,

wherein said image data quantity reduction device includes at least one of resolution conversion means for converting the image data to be transmitted into image data having a resolution which is less than or equal to the resolution of the image output from said output device, so as to reduce the quantity of the image data, and thinning means for thinning the image data such that the size thereof is equal to the size of the output image.

Claim 21 (canceled).

Claim 22 (previously presented): The client computer according to claim 19, wherein said image data quantity reduction device further includes:

compression rate determination means for determining the compression rate of the image data to be transmitted to said image server on the basis of the speed of transmission of the image data between the image server and said client computer, and

image data compression means for compressing the image data at the determined compression rate.

Claim 23 (previously presented): A client computer used in an image communication system in which an image server and the client computer are capable of communicating with each other, comprising:

a compression rate setting device for setting the compression rate of film image data;

a calculation device for calculating information relating to time required for transmission in a case where the film image data compressed at the set compression rate is transmitted to said image server; and

a display device for displaying the information relating to the calculated time for transmission.

Claim 24 (previously presented): The client computer according to claim 23, further comprising a display control device for exhibiting control so that an image represented by the image data compressed at the set compression rate is displayed on said display device.

Claim 25 (previously presented): An image communication system in which an image server and a client computer are capable of communicating with each other, wherein film image data and information relating to the film image data are transmitted from said client computer to said image server,

wherein said image server further includes:

an image output device for outputting a film image after subjecting the film image to display direction conversion processing, on the basis of the information relating to the film image data transmitted from said client computer; and

an image information transmission device for transmitting, to said client computer, the information relating to the film image data transmitted from said client computer,

wherein said client computer further includes a retrieval means for retrieving image data specified by the information relating to the film image data transmitted from said image server, and

wherein said image output device and said image information transmission device in said image server, and said retrieval means in said client computer are each separate and distinct components within the image communication system.

Claim 26 (previously presented): A client computer used in an image communication system in which an image server having a printer and the client computer are capable of communicating with each other, comprising:

a receiving device for receiving a part of printing template image data, which is transmitted from said image server and represents a part of a window-synthesizing user film image, and which is used for printing processing in said printer; and

a synthesis device for synthesizing the received part of the printing template image data and a part of user film image data stored in the client computer.

Claim 27 (previously presented): A method of transmitting film image data from a client computer to an image server, the client computer and the image server being used in an image communication system in which the image server, having an image output device for outputting an image and said client computer are capable of communicating with each other, comprising:

reducing the data quantity of film image data to be transmitted to said image server so that the data quantity of the image data to be transmitted is equal to or less than the data quantity of the image data representing the image to be output; and

transmitting the reduced film image data to said image server

wherein the step of reducing further includes:

designating an image area to be printed of an image represented by image data of one frame; and

extracting partial image area data representing the designated image area from said film image data of one frame.

Claim 28 (previously presented): A method of displaying information in a client computer which is used in an image communication system in which an image server and the client computer are capable of communicating with each other, comprising:

setting the compression rate of film image data;

calculating information relating to time required for transmission in a case where the film image data compressed at the compression rate is transmitted to said image server; and

displaying the calculated information related to the transmission time.

Claim 29 (previously presented): In an image communication system in which an image server and a client computer are capable of communicating with each other, an image communication method comprising:

transmitting film image data and information relating to the film image data from said client computer to said image server, the information relating to the film image data corresponding to the type and resolution of a display device in the client computer and the number of colors of the display device;

outputting, in said image server, an image on the basis of the information relating to the film image data transmitted from said client computer;

transmitting the information relating to the film image data transmitted from said client computer from said image server to said client computer; and

retrieving, in said client computer, film image data specified by the information relating to the film image data transmitted from said image server,

wherein said transmitting of film image data to and outputting the image from said image server, and said retrieving of film image data in said client computer, are performed by separate and distinct components in the image communication system.

Claim 30 (previously presented): A method of synthesizing images in a client computer which is used in an image communication system in which an image server having a printer and the client computer are capable of communicating with each other, comprising:

receiving a part of printing template image data, which is transmitted from said image server and represents a part of a window-synthesizing user film image, and which is used for printing processing in said printer; and

synthesizing the received part of the printing template film image data and a part of user film image data stored in the client computer.

Claim 31 (previously presented): A computer-readable recording medium storing a program for transmitting film image data from a client computer which is used in an image communication system in which an image server having an image output device for outputting an image and the client computer are capable of communicating with each other, the program controlling the computer so as to:

reduce the data quantity of film image to be transmitted to said image server such that the data quantity of the film image data to be transmitted is equal to or less than the data quantity of the film image data representing the image to be outputted from said image output device; and

transmit the reduced film image data to said image server

wherein said program further controls film image data reduction processing in the computer so as to designate an image area to be printed of an image represented by film image data of one frame, and extracts partial image area data representing the designated area from said film image data of one frame.

Claim 32 (previously presented): A computer-readable recording medium storing a program for displaying information in a client computer which is used in an image communication system in which an image server and the client computer are capable of communicating with each other, the program controlling the computer so as to:

set the compression rate of film image data;

calculate information relating to time required for transmission in a case where the film image data compressed at the set compression rate is transmitted to said image server; and

display the calculated information related to the transmission time.

Claim 33 (previously presented): A computer-readable recording medium storing a program used in an image communication system in which an image server and a client computer are capable of communicating with each other, the program controlling the computer so as to:

transmit film image data and information relating to the film image data from said client computer to said image server, the information relating to the film image data corresponding to the type and resolution of a display device in the client computer and the number of colors of the display device;



output, in said image server, an image on the basis of the information relating to the film image data transmitted from said client computer;

transmit, from said image server to said client computer, the information relating to the film image data transmitted from said client computer, wherein the information transmitted has undergone display direction conversion processing; and

retrieve, in said client computer, image data specified by the information relating to the film image data transmitted from said image server,

wherein said transmitting of film image data to and outputting the image from said image server, and said retrieving of film image data in said client computer, are performed by separate and distinct components in the image communication system under the control of said program.

Claim 34 (previously presented): A computer-readable recording medium storing a program for synthesizing film images in a client computer which is used in an image communication system in which an image server having a printer and the client computer are capable of communicating with each other, the program controlling the computer so as to:

receive a part of printing template image data, which is transmitted from said image server and represents a part of a window-synthesizing user film image, and which is used for printing processing in said printer; and

synthesize the received part of the printing template image data and a part of user film image data stored in the client computer.

Claim 35 (previously presented): An image editing system in which an image server and a plurality of client computers are capable of communicating with one another, an image represented by film image data is edited in one of said client computers, and editing information relating to the edited film image is transmitted from said one client computer to said image server,

wherein execution data indicating that an image is edited for the first time or re-edited after said initial editing is transmitted from said one or another client computer to said image server prior to initial editing or subsequent re-editing the film image,

wherein said image server further includes:

a judgment device for judging whether or not the initial editing or re-editing after said initial editing is allowed on the basis of said transmitted execution, and

an allowance data transmission device for transmitting, when said judgement device judges that the initial editing or re-editing after said initial editing of the image is allowed, allowance data to said one or another client computer which has been allowed to edit or re-edit the film image, and

wherein said one or another client computer further includes a control device for performing the initial editing or re-editing after said initial editing in response to the receiving of allowance data.

Claim 36 (previously presented): The image editing system according to claim 35, wherein said re-editing information transmission device transmits information relating to a portion re-edited by said image re-editing device.

Claim 37 (canceled).

Claim 38 (previously presented): The image editing system according to claim 35,  
wherein said plurality of client computers are classified into a plurality of groups,  
each group including one or more of said client computers, and  
wherein said image server further includes a transmission device for transmitting  
said re-editing information transmitted from said re-editing information transmission device to  
said client computer, in the group to which the one or another client computer which has  
transmitted the re-editing information belongs.

Claim 39 (previously presented): The image editing system according to claim 38,  
wherein said one or another client computer further includes:  
a comment entry device for entering a comment concerning said editing or re-  
editing information which has been transmitted from said image server, and  
a comment transmission device for transmitting the entered comment to said  
image server.

Claim 40 (previously presented): The image editing system according to claim 35,  
wherein said edited image is constituted by a plurality of object images, and object  
image editing request data which indicates that said object images are subjected to object image  
editing which is at least one of addition, alteration, and deletion, said edited image being

transmitted from the one or another client computer to said image server,

wherein said image server further includes:

an object image editing judgment device for judging whether or not said object image editing is allowed on the basis of said transmitted object image editing request data, and

an object image editing allowance data transmission device for transmitting, when said object image editing judgment device judges that said object image editing is allowed, object image editing allowance data for allowing said object image editing to the one or another client computer which has been allowed to edit the object image, and

wherein said one or another client computer further includes an object image editing device for performing said object image editing in response to the receiving of said object image editing allowance data.

Claim 41 (previously presented): A client computer constituting a system in which an image server and a plurality of client computers are capable of communicating with one another, comprising:

an image editing device for performing initial editing of a film image and subsequent re-editing of the initially edited film image;

a receiving device for receiving data representing allowance of the initial editing or subsequent re-editing of the film image, which is transmitted from the client computer; and

a controller for controlling the image editing device so as to execute initial editing of the film image, or subsequent re-editing of the edited image in response to reception of the allowance data by the receiving device.

Claim 42 (previously presented): An image editing system in which an image server and a plurality of client computers are capable of communicating with one another, an image represented by image film data is edited in one of the client computers, and editing information relating to the edited image is transmitted from the one client computer to said image server,

wherein execution data indicating that a film image is initially edited or re-edited after said initial editing is transmitted from said one or from another of said plurality of client computers to said image server prior to editing or re-editing the film image,

wherein said image server judges whether or not the initial editing or subsequent re-editing of the film image is allowed on the basis of said transmitted execution data, and transmits, when said judgment device judges that the initial editing or subsequent re-editing of the film image is allowed, allowance data to said one or another client computer which has been allowed to edit or re-edit the film image, and

wherein said one or another client computer performs the initial editing or subsequent re-editing in response to receiving allowance data.

Claim 43 (previously presented): The image editing system according to claim 42, wherein information relating to a re-edited portion is transmitted from said one or another client computer to said image server.

Claim 44 (canceled).

Claim 45 (previously presented): The image editing system according to claim 42,  
wherein said plurality of client computers are classified into a plurality of groups,  
each group including one or more of said client computers, and  
wherein said re-editing information is transmitted to that client computer in the  
group to which said re-editing information belongs.

Claim 46 (previously presented): The image editing system according to claim 45,  
wherein a comment concerning said editing or re-editing information is transmitted to said image  
server.

Claim 47 (previously presented): The image editing system according to claim 42,  
wherein said edited image is constituted by a plurality of object images, and object  
image editing request data which indicates that said object images are subjected to object image  
editing which is at least one of addition, alteration, and deletion, said edited image being  
transmitted from the one or another client computer to said image server, wherein said image  
server further includes:

an object image editing judgment device for judging whether or not said object  
image editing is allowed on the basis of said transmitted object image editing request data, and

an object image editing allowance data transmission device for transmitting, when  
it is judged that said object image editing is allowed, object image editing allowance data for  
allowing said object image editing to the one or another client computer which has been allowed  
to edit the object image, and

wherein said one or another client computer further includes an object image editing device for performing said object image editing in response to the receiving of said object image editing allowance data.

Claim 48 (previously presented): A computer-readable recording medium storing a program for causing a client computer constituting a system in which an image server and a plurality of client computers are capable of communicating with one another to edit a film image, and controlling said client computer so as to:

receive data representing allowance of initial editing of the film image and/or subsequent re-editing of said initially edited film image, the film image being transmitted from the client computer; and

control the image editing device so as to execute initial editing and/or subsequent re-editing of the film image in response to reception of the allowance data.

Claim 49 (previously presented): The image server according to claim 10, further comprising a display direction conversion processing device for performing display direction conversion processing of the color converted image data so that the direction of the image represented by the image data is oriented in a known normal direction,

wherein said image data transmission device transmits the display direction converted image data to the client computer.

Claim 50 (previously presented): The image editing system according to claim 35,

wherein said image server further includes an editing information transmission device for transmitting editing information relating to the edited image which has been transmitted from said one client computer to another client computer; and

wherein said one or another client computer further includes:

an image re-editing device for re-editing the edited image transmitted from said image server; and

a re-editing information transmission device for transmitting re-editing information relating to the re-edited image to said image server.